

S.B. Criminal Misc. II Bail Petition No.5664/2007
(Pankaj Pandya Vs. State of Rajasthan)

Date of Order : 28.11.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Sumer Dan for petitioner.
Mr. Ashok Upadhyay, P.P.

This is second bail application.

Heard learned counsel for the petitioner and the Public Prosecutor. Perused the order impugned and the challan papers.

In the statement of the prosecutrix, aged 16 years, there are serious allegation of rape against the present petitioner. The bail application of co-accused has been dismissed very recently and the case of the present petitioner is not on better footing than the co-accused. In the instant case, the victim was kidnapped and taken to the petitioner, who committed rape on her, in these circumstances, it is not a fit case to release the petitioner at this stage.

The second bail application filed by the petitioner under Section 439 Cr.P.C. is, therefore, dismissed. However, it

will be open for the petitioner to file fresh bail application after statement of the prosecutrix is recorded by the trial court.

(H.R. PANWAR), J.

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